

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA §
VS. § MAGISTRATE NO. C-12-865-1
SAMUEL HERCULANO IZAGUIRRE §

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

(1) There is a serious risk that the defendant will not appear; and

(2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant is substantial. The defendant admitted he was being paid to transport aliens. He had also been caught transporting aliens in July 2012. The findings and conclusions contained in the paragraphs one through six of the Pretrial Services Report are adopted. The defendant is on deferred adjudication for possession of marihuana. He committed the instant offense and the same offense in July 2012 while on deferred adjudication, reflecting he is either unwilling or unable to comply with court-ordered conditions. His mother does not want him in her home. He is a poor bond risk. This order will be reconsidered if the defendant can reside with one of his parents who will have to be willing to serve as a co-surety and third party custodian.

The defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 20th day of August, 2012.



B. Janice Ellington
B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE